

BILL ANALYSIS

C.S.S.B. 314
By: Janek
Government Reform
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Public transportation services are currently provided throughout the state by a wide array of transportation providers including regional and metropolitan transportation authorities, municipal and county transportation authorities, rural and small urban transit districts, and a variety of other public and private entities. Funding for these services comes from a variety of sources – federal, state and local. On the state level alone, funding for public transportation programs is provided by multiple state agencies including the Texas Department of Transportation, the Texas Department of Health, the Workforce Commission, the Commission for the Blind, the Department on Aging, and the Texas Department of Mental Health and Mental Retardation.

There is no single mechanism for the coordination of public transportation services throughout the state. The uncoordinated provision of public transportation services by so many providers and the uncoordinated funding of public transportation services by so many state agencies has generated waste, inefficiency, lost opportunities and confusion for the consumer. The lack of coordination between providers and state agencies has contributed to both duplication and fragmentation of transportation services. Scarce resources are wasted when governmental entities duplicate functions such as contract management, or fund like services such as transportation to the same geographic and/or demographic groups. The same lack of coordination has caused fragmentation and a lack of adequate service in other areas. Whether it is duplication or fragmentation, the lack of coordination has led to waste and inefficiency which in turn has denied the consumer, the transit rider, the highest level of service possible.

C.S.S.B. 314 proposes to eliminate waste and generate efficiencies by allowing the Texas Transportation Commission and the Texas Department of Transportation to coordinate statewide public transportation.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Transportation Commission in SECTION 1 (Section 461.003, Transportation Code) of this bill.

ANALYSIS

SECTION 1. Amends Subtitle K, Title 6, Transportation Code, by adding Chapter 461 as follows:

CHAPTER 461. STATEWIDE COORDINATION OF PUBLIC TRANSPORTATION

Sec. 461.001. LEGISLATIVE INTENT AND CONSTRUCTION. (a) Establishes legislative intent.

(b) Specifies that this chapter must be liberally construed to achieve its purposes.

Sec. 461.002. DEFINITIONS. Defines "public transportation provider" and "public transportation services."

Sec. 461.003. RULES OF THE TEXAS TRANSPORTATION COMMISSION. (a) Authorizes the Texas Transportation Commission (commission) to adopt rules requiring state agencies that provide public

transportation services to contract with the Texas Department of Transportation (department) to provide those services. Authorizes the commission to adopt rules requiring a public transportation provider to provide detailed information on its provision of public transportation services.

(b) Provides that the commission may not direct the planning or operations of an authority created or operating under Chapters 451, 452 and 453, except as it may pertain to health and human service transportation programs funded by the state.

(c) Authorizes the commission to adopt other rules as necessary to implement the chapter including the defining of terms.

Sec. 461.004. DUTIES OF THE TEXAS DEPARTMENT OF TRANSPORTATION. (a) Requires the department to identify various inefficiencies in public transportation service.

(b) Authorizes the department to contract with public or private transportation providers for the provision of public transportation services.

Sec. 461.005. ELIMINATION OF OVERLAPPING SERVICE. (a) Requires the department to encourage public transportation providers to agree upon the allocation of specific services and service areas, and allows this coordination to take place as part of an existing planning process.

(b) Authorizes the department to develop an interim service plan in the absence of a locally agreed-upon plan.

(c) Authorizes the department to require vehicles used to provide public transportation services, with the exception of those owned by authorities created under Chapters 451, 452, or 453, Transportation Code, meet certain emission standards.

Sec. 461.006. DUTIES OF PUBLIC TRANSPORTATION PROVIDERS. Requires public transportation providers to cooperate with the department in eliminating waste, and ensuring efficiency and maximum service.

Sec. 461.007. INCENTIVES FOR EFFICIENCY. (a) Authorizes the commission to increase or reduce the allocation of grant funds based on a public transportation provider's compliance with this chapter.

(b) Authorizes the commission, in its execution of its responsibilities throughout the state, to consider a public transportation provider's compliance with this chapter.

SECTION 2. Amends Section 455.0015, Transportation Code, by amending Subsection (b) and adding Subsections (c) and (d), as follows:

(b) Sets forth the intent of the legislature, including its intent regarding private sector transportation resources.

(c) Requires each health and human services agency of this state to contract with the department for the department to assume all responsibilities of the health and human services agency relating to the provision of transportation services for clients of eligible programs.

(d) Authorizes the department to contract with any public or private transportation provider or with any regional transportation broker for the provision of public transportation services.

SECTION 3. Amends Section 455.004, Transportation Code, as follows:

Sec. 455.004. PUBLIC TRANSPORTATION ADVISORY COMMITTEE. (a) Requires a Public Transportation Advisory Committee (committee) consisting of nine members to perform certain functions

including to advise the commission on implementation of Chapter 461.

(b) Requires the commission to appoint members of the committee. Requires the membership of the committee to include four members who represent a diverse cross-section of public transportation providers, three members who represent a diverse cross-section of transportation users, and two members who represent the public. Deletes existing text requiring the governor, the lieutenant governor, and the speaker of the house of representatives each to appoint three members of the committee. Deletes existing text requiring the appointing officers to allocate among themselves the authority for appointment of members with different types of qualifications. Deletes existing text requiring the committee to include certain members

(c) Provides that a member serves at the pleasure of commission, rather than of the officer appointing the member. Provides that a member is not entitled to compensation for service on the committee but is entitled to reimbursement for reasonable expenses the member incurs in performing committee duties.

(d) Requires the committee to meet as requested by the commission. Deletes the requirement for the committee to meet quarterly.

(e) No changes to this subsection.

SECTION 4. Amends Section 461.012, Health and Safety Code, by adding Subsection (g) to require the Texas Commission on Alcohol and Drug Abuse (TCADA) to contract with the department for the department to assume all responsibilities of the TCADA relating to the provision of transportation services for clients of eligible programs.

SECTION 5. Amends Section 533.012, Health and Safety Code, as follows:

Sec. 533.012. COOPERATION OF STATE AGENCIES. (a) Created from existing text.

(b) Requires the Texas Department of Mental Health and Mental Retardation (MHMR) to contract with the department for the department to assume all responsibilities of the MHMR relating to the provision of transportation services for clients of eligible programs.

SECTION 6. Amends Section 22.001, Human Resources Code, by adding subsection (e) to require the Department of Human Services to contract with the department for the provision of transportation services.

SECTION 7. Amends Section 40.002, Human Resources Code, by adding Subsection (f) to require the Department of Protective and Regulatory Services to contract with the department for the provision of transportation services.

SECTION 8. Amends Section 91.021, Human Resources Code, by adding subsection (g) to require the Commission for the Blind to contract with the department for the provision of transportation services.

SECTION 9. Amends Section 101.0256, Human Resources Code, as follows:

Sec. 101.0256. COORDINATED ACCESS TO LOCAL SERVICES. (a) Creates this subsection from existing text.

(b) Requires the Texas Department on Aging to contract with the department for the department to assume all responsibilities of the Department of Aging relating to the provision of transportation services for clients of eligible programs.

SECTION 10. Amends Section 111.0525, Human Resources Code, by adding Subsection (d) to require the Texas Rehabilitation Commission to contract with the department for the department to assume all responsibilities of the Rehabilitation Commission relating to the provision of transportation services for clients of eligible programs.

SECTION 11. Amends Section 301.063, Labor Code, by adding a new Subsection (f) to require Texas Workforce Commission to contract with the department for the department to assume all responsibilities of the Workforce Commission relating to the provision of transportation services for clients of eligible programs.

SECTION 12. Provides that it is the intent of the legislature that the provision of health and human service transportation through the department will improve the delivery of transportation services to clients and enhance their access to transportation services. Provides furthermore, that it is the intent of the legislature that these services be provided in a manner that will generate efficiencies in operation, control costs, and permit increased levels of service. Requires the department to encourage cooperation and coordination among transportation providers, regional transportation brokers, and actual and potential clients in an effort to achieve the stated legislative goals.

SECTION 13. Requires any funds that are used by the department to implement Sections 2-11 of this Act to be accounted for and budgeted separately from other funds appropriated to that department for any other public transportation program or budget strategy.

SECTION 14. Effective date.

EFFECTIVE DATE

Upon passage or September 1, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute modifies the original bill by furthering the intent of the Comptroller's E-Texas HHS 3 recommendation for the "brokering" of the Department of Health's Medical Transportation Program by calling for the coordination of all health and human service and public transportation services. The substitute also modifies the original bill by adding provisions that direct the Texas Department of Transportation and the Texas Transportation Commission, with the advice of a public advisory committee, to improve transportation services.